A.P.N. 139-21-313-011

When Recorded Return to:

City of Las Vegas, Office of Business Development 400 Stewart Avenue Las Vegas, Nevada 89101 Attention: F.I.T. Project Officer

DECLARATION OF RESERVED EASEMENT FOR EMERGENCY ACCESS

THIS DECLARATION OF RESE	RVED EASEMENT 1	FOR EMERGENCY A	ACCESS (this
" <u>Declaration</u> ") is made as of this d	lay of	, 200_, by the CI	TY OF LAS
VEGAS, a municipal corporation of the			
"Declarant") for the benefit of the FOUN	NDATION FOR AN I	INDEPENDENT TO	MORROW, a
Nevada non-profit corporation duly form	ned and organized in	the State of Nevada	(hereinafter
"FIT").	_		•

RECITALS

- A. FIT is the owner of certain real property described on <u>Exhibit "A"</u> attached hereto and incorporated herein by this reference as if fully set forth ("<u>Parcel FIT</u>") and CLV is the owner of certain real property described on <u>Exhibit "B"</u> attached hereto and incorporated herein by this reference as if fully set forth ("<u>Parcel CLV</u>" and together with the Parcel FIT, the "<u>Parcels</u>") (FIT and CLV is each an "Owner" of their respective parcels of real property and collectively FIT and CLV are the "Owners").
- B. In order for FIT to build its facilities on Parcel FIT of sufficient size and design, it is necessary to provide for vehicular and pedestrian ingress and egress for use by emergency, fire, rescue and police personnel providing services across a portion of Parcel CLV.
- C. As an incentive to FIT to complete the purchase of Parcel FIT under that certain DISPOSITION AND DEVELOPMENT AGREEMENT BETWEEN FOUNDATION FOR AN INDEPENDENT TOMORROW AND CITY OF LAS VEGAS dated <u>AUGUST 3, 2005</u> and build its facilities, Declarant desires to establish rights of emergency vehicular access across certain portions of the Parcel CLV for the benefit of Parcel FIT and FIT and its successors and assigns.

NOW, THEREFORE, with reference to the foregoing recitals, Declarant hereby declares that the Parcels are hereby made subject to this Declaration and shall be conveyed, hypothecated, encumbered, leased, occupied, built upon or otherwise used, improved or transferred, whether in whole or in part, subject to this Declaration. All of the covenants, conditions, restrictions and easements provided in this Declaration shall run with the land now or hereafter constituting the

Parcels, and shall, as applicable, be binding upon the Owners and inure to the benefit of the Owners as set forth herein.

ARTICLE I EASEMENTS

Section 1.01 Emergency Access Easement. CLV hereby grants unto FIT, for the benefit of Parcel FIT, a perpetual non-exclusive easement ("Emergency Access Easement") over any portion of Parcel CLV adjacent to and sharing a boundary with Parcel FIT (the "Emergency Access Easement Area"), for the purposes of providing vehicular and pedestrian ingress and egress for use by emergency, fire, rescue and police personnel providing services to Parcel FIT, subject to the limitations imposed by Section 1.02 hereinafter.

<u>Parcel CLV</u>. CLV and FIT hereby agree that the location of the crash gate, or other improvements constructed by FIT to control egress from Parcel FIT to Parcel CLV, shall be located as specifically shown on Exhibit "C" attached hereto and incorporated herein by this reference as if fully set forth ("Crash Gate Location Site Map"), unless otherwise approved in writing by and at the sole discretion of CLV. FIT also agrees that CLV shall be able to review and approve the orientation, dimensions, and movement of such crash gate or other such improvements in order to minimize any loss or relocation of existing parking facilities on Parcel CLV.

ARTICLE II MISCELLANEOUS

Section 2.01. <u>Duration</u>. This Declaration shall remain in full force and effect in perpetuity unless terminated by a written instrument recorded in the Public Records (as defined below) and executed by the then Owners. "Public Records" shall mean the Official Records of the recorder of Clark County, Nevada or such other public office as may, at the time and according to the context, be the repository of records and documents imparting constructive notice under applicable local, state or federal law.

- **Section 2.02.** Amendment. This Declaration can be modified only by the recordation, in the Public Records, of an agreement or document of modification executed by the then Owners.
- <u>Section 2.03.</u> <u>Governing Law</u>. All provisions shall be construed so as to be in conformance with, and shall be governed by, the laws of the State of Nevada.

Section 2.04. Severability. The determination by any court that any provision of this Declaration is unlawful, void or unenforceable shall not affect the validity of any other provision hereof; and no such determination that any provision hereof is inapplicable or unenforceable as to any particular parcel or parcels shall affect the applicability or enforceability of said provision or any other provision hereof to any other parcel or parcels.

<u>Section 2.05.</u> <u>Attorneys' Fees.</u> In the event of any action to interpret or enforce the terms and provisions of this Declaration, the prevailing party or party shall be entitled to its costs and reasonable attorneys' fees from the non-prevailing party or parties.

IN WITNESS WHEREOF, Declarant has entered into this Declaration as of the day and year first above written.

Declarant:	
	CITY OF LAS VEGAS
	By:Oscar B. Goodman, Mayor
APPROVED AS TO FORM:	Oscar B. Goodman, Mayor
Deputy City Attorney Date	
ATTEST:	
BARBARA JO RONEMUS, City Clerk	
, 2006	
STATE OF NEVADA	
COUNTY OF CLARK	
, as	lged before me on, 2006, by of the City of Las Vegas, a municipal corporation of the
State of Nevada.	, S, T,
	Notary Public
	My commission expires:

EXHIBIT "A"

LEGAL DESCRIPTION PARCEL FIT

A.P.N. 139-21-313-011 PARCEL 5-2 1.0357 AC. PARCEL LOT 5-2, AMENDED LAS VEGAS ENTERPRISE PARK

BEING A PORTION OF LOT 5 OF THE AMENDED MAP OF LAS VEGAS ENTERPRISE PARK, ON FILE IN THE OFFICE OF THE COUNTY RECORDER, CLARK COUNTY, NEVADA, IN BOOK 77 OF PLATS, AT PAGE 54, LYING WITHIN THE EAST HALF (E ½) OF THE SOUTHWEST QUARTER (SW ¼) OF SECTION 21, TOWNSHIP 20 SOUTH, RANGE 61 EAST, M.D.M., CITY OF LAS VEGAS, CLARK COUNTY, NEVADA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 5; THENCE ALONG THE WEST LINE OF SAID LOT 5, NORTH 00° 20'56" EAST, 167.60 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID WEST LINE, NORTH 00° 20'56" EAST, 202.51 FEET; THENCE NORTH 85° 00'06" EAST, DEPARTING SAID WEST LINE, 214.33 FEET TO THE WESTERLY RIGHT OF WAY OF STELLA LAKE STREET (60 FEET WIDE); THENCE SOUTH 04° 59'54" EAST, ALONG SAID WESTERLY RIGHT OF WAY, 201.63 FEET; THENCE SOUTH 85° 00'06" WEST, DEPARTING SAID WESTERLY RIGHT OF WAY, 233.20 FEET TO THE POINT OF BEGINNING.

CONTAINING 45,119 SQUARE FEET, MORE OR LESS.

BASIS OF BEARINGS:

NORTH 00° 17'00" EAST, BEING THE BEARING OF THE EAST LINE OF THE SOUTHWEST QUARTER (SW ¼) OF SECTION 21, TOWNSHIP 20 SOUTH, RANGE 61 EAST, M.D.M., AS SHOWN ON THE AMENDED MAP FOR LAS VEGAS ENTERPRISE PARK ON FILE IN THE OFFICE OF THE COUNTY RECORDER, CLARK COUNTY, NEVADA, IN BOOK 77 OF PLATS, AT PAGE 54.

EXHIBIT "B"

LEGAL DESCRIPTION OF PARCEL CLV

A.P.N. 139-21-313-011 REMAINDER PORTION OF LOT 5 / LAS VEGAS ENTERPRISE PARK (SF 146-54)

That portion of the Northeast Quarter (NE 1/4) of the Southwest Quarter (SW 1/4) of Section 21, Township 20 South, Range 61 East, M.D.M., being the remainder portion of LOT 5 as shown on Record of Survey in File 146, Page 54 of Clark County, Nevada Records, described as follows:

COMMENCING at the northwest corner of said Northeast Quarter (NE 1/4); thence along the west line thereof, South 00□20'56" West 50.00 feet to the POINT OF BEGINNING on the south line of LAKE MEAD BOULEVARD (100.00 feet wide); thence along said south line, South 89□32'57" East 161.75 feet to the beginning of a tangent curve, concave southwesterly, having a radius of 25.00 feet; thence southerly through a central angle of 90□00'00" and an arc length of 39.27 feet to the west line of STELLA LAKE STREET (60.00 feet wide); thence tangent to said curve along said west line, South 00□27'03" West 14.78 feet to the beginning of a tangent curve, concave easterly having a radius of 280.00 feet; thence southerly along said curve through a central angle of 5□26'57" and an arc length of 26.63 feet; thence South 04□59'54" East 273.64 feet to the northeast corner of LOT 5-2 as shown on said Record of Survey in File 146, Page 54; thence departing the west line of said STELLA LAKE STREET along the north line of said LOT 5-2, South 85□00'06" West 214.33 feet to the northwest corner of said LOT 5-2; thence North 00□20'56" East 359.14 feet to the POINT OF BEGINNING.

The above-described parcel of land contains an area of 69,096 square feet or 1.586 acres, more or less.

BASIS OF BEARINGS: North 00 17'00" East being the east line of the Southwest Quarter (SW 1/4) of Section 21, Township 20 South, Range 61 East, M.D.M., as shown on Book 77 of Plats, Page 54 of Clark County, Nevada Records.

Prepared by: Brian Yu PLS Public Works City of Las Vegas, 731 S. Fourth Street, Las Vegas, NV 89101

EXHIBIT "C" "Crash Gate Location Site Map"

